BOMBAY ACT No. XXIV OF 1947.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1946.]

[*14th May 1947.*]

An Act to amend the Court-fees Act, 1870, in its application to the Province of Bombay.

VII of 1870. WHEREAS it is expedient to amend the Court-fees Act, 1870, in its application to the Province of Bombay for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Court-fees (Bombay Amendment) Act, 1946. Short title.

VII of 1870. **2.** For section 11 of the Court-fees Act, 1870, in its application to the Province of Bombay the following shall be substituted, namely :— Amendment of section 11 of Act VII of 1870.

"11. (*1*) In a suit for the recovery of possession of immoveable property and mesne profits or for mesne profits or for an account, the difference, if any, between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount found due shall, on delivery of judgment, be taxed by the Court and shall be leviable from the plaintiff and if not paid by him within thirty days from the date of the judgment be recoverable according to the law and under the rules for the time being in force for the recovery of arrears of land revenue. Taxing of Court-fees and their recovery in suits for mesne profits or account.

(*2*) The Court shall send a copy of the decree passed in such suit to the Collector.

(*3*) No decree for mesne profits passed in any such suit by the Court shall be executed until such difference is paid or recovered.

Explanation.—For the purpose of this section 'plaintiff' includes any party to a suit to whom any profits or amount are or is found to be due"

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1946, Pt. V, page 233 ; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1947, Vol. X ; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1947, Vol. XII.